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December 17, 1997

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Re: Comments on the *Ex Parte* Submission of the Association of Maximum Service Television, Inc. in Advanced Television Systems (Dkt. 87-268)

Dear Ms. Salas:

In response to the Commission's December 2, 1997 *Public Notice* requesting comments on the November 20, 1997 *ex parte* submission of the Association of Maximum Service Television, Inc. and others ("MSTV") in the referenced docket, Trinity Broadcasting Network, licensee of WHSG(TV), channel 63, Monroe, Georgia, Trinity Broadcasting of Oklahoma City, Inc., licensee of KTBO-TV, channel 14, Oklahoma City, Oklahoma, Trinity Broadcasting of Indiana, Inc., licensee of WKOI(TV), channel 43, Richmond, Indiana, and Trinity Broadcasting of New York, Inc., licensee of WTBY(TV), channel 54, Poughkeepsie, New York (collectively "TBN"), hereby submit the attached *Engineering Statements* from Kevin T. Fisher, of Smith & Fisher.

In its submission MSTV requested hundreds (over 350) changes in the proposed DTV Table of Channel Allotments. Those requests for further changes follow the many requests for changes and modification of the Table made in the reconsideration petitions also filed in Docket 87-268, including modifications requested by TBN. In connection with the four TBN stations submitting these comments, MSTV's proposed changes are inappropriate, unfair, and would work a considerable detriment on TBN as follows (and as articulated in greater detail in the attached *Engineering Statements*):

WHSG(TV), Channel 63, Monroe, Georgia

WHSG(TV) has been assigned paired DTV channel 44. MSTV has proposed that WHSG(TV) be assigned paired channel 60 instead, in order to alleviate DTV-to-DTV interference with WUTV(TV), channel 43, Atlanta. Channel 60, however, is outside the channel 7 to channel 51 "core spectrum" and if WHSG(TV) were assigned a paired channel outside the

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"core spectrum" it would be forced to move twice (and spend considerably more) as it first transitions its NTSC operation to DTV, and then again as it changes from DTV channel 60 to a DTV channel in the "core spectrum." This is patently unfair, and it would be requiring a nonprofit operator--TBN provides a religious and family oriented program service--to bear twice the cost (or more) of other operators to implement DTV service. Such an outcome is obviously inappropriate, uniquely unfair and in violation of equal protection principles.

It is possible, however, to address the DTV-to-DTV interference issue here by maintaining WHSG(TV)'s paired channel 44 allocation, and that is for the Commission to allow WHSG(TV) to simply move its transmitter site for DTV channel 44 within a 5 km (or so) radius of WUTV(TV)'s downtown Atlanta transmitter site. Such a co-location would eliminate the interference concerns, although it might also require a waiver of the city grade coverage requirement for WHSG(TV), or operation of a DTV translator to insure continuation of a strong signal service for Monroe, WHSG(TV)'s city of license.

KTBO-TV, Channel 14, Oklahoma City, Oklahoma

KTBO-TV operates on NTSC channel 14, and has been assigned paired DTV channel 15. MSTV proposes that DTV channel 14 now be substituted for DTV channel 23 assigned to KSWO(TV), Lawton, Oklahoma. This change is suggested to reduce DTV-to-DTV interference between DTV channel 22 in Wichita Falls, Texas and KSWO(TV)'s DTV channel 23. The impact of such a change, however, would be to increase the interference area to KTBO-TV's NTSC channel 14 operation from 3.7 percent to 12.6 percent. Clearly this is inappropriate, unfair, and uniquely disruptive to the important service KTBO-TV has been providing to the Oklahoma City area for approximately 15 years.

WKOI(TV), Channel 43, Richmond, Indiana

As with TBN's WHSG(TV) station noted above, MSTV proposes that WKOI(TV) be assigned a DTV paired channel outside the "core spectrum." WKOI(TV) has been allocated paired DTV channel 30, and MSTV wants that allocation moved to DTV channel 62. However, as explained above, this is obviously inappropriate, uniquely unfair and in violation of equal protection principles.

It is possible, however, to address the DTV-to-DTV interference issue here by maintaining WKOI(TV)'s paired channel 30 allocation, if the Commission simply allows WKOI(TV) to move its transmitter site for DTV channel 30 within a 5 km (or so) radius of the Cincinnati transmitter sites of WXIX(TV), channel 29, Newport, Kentucky and WKRC(TV),

channel 31, Cincinnati. Such a co-location would eliminate the interference concerns, although it might also require a waiver of the city grade coverage requirement for WKOI(TV), or operation of a DTV translator to insure continuation of a strong signal service for Richmond, Indiana, WKOI(TV)'s city of license.

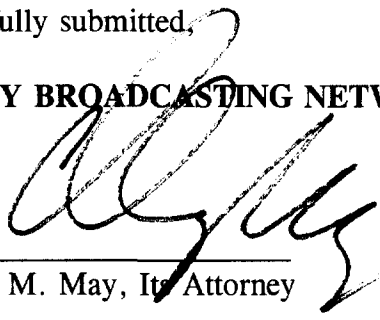
WTBY(TV), Channel 54, Poughkeepsie, New York

WTBY(TV) has been assigned paired DTV channel 27, and MSTV proposes that it be substituted for DTV channel 12. This change is based on DTV-to-DTV interference concerns, but it would dramatically increase the predicted interference to WTBY(TV)'s continued operation of its NTSC channel 54. Further, the change would preclude relocating WTBY(TV)'s transmitter site to the south, towards New York City, which is necessary to insure the continuation and enhancement of WTBY(TV)'s service to the entire area. To both increase the level of interference WTBY(TV)'s NTSC channel would receive, and to restrict only WTBY(TV)'s ability to relocate to the best transmitter site possible, is insupportable. MSTV's proposed channel changes for WTBY(TV) must therefore be rejected.

For these reasons, and for the reasons specified in the attached *Engineering Statements*, TBN opposes the channel modifications put forward by MSTV in its *ex parte* submission.

Respectfully submitted,

TRINITY BROADCASTING NETWORK, et al.

By: 
Colby M. May, Its Attorney

enclosures
xc: Parties of Record

ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of TRINITY BROADCASTING OF OKLAHOMA CITY, INC. ("Trinity"), licensee of Television Station KTBO-TV, Channel 14, Oklahoma City, Oklahoma, in support of its response to the *ex parte* submission of November 20, 1997, filed by Maximum Service Television, Inc. ("MSTV"), regarding the FCC's digital television (DTV) table of assignments.

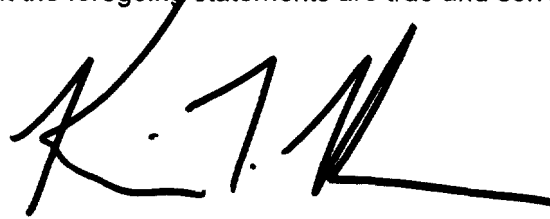
The FCC, in its *Sixth Report and Order* regarding DTV assignments (MM Docket No. 87-268), proposed the assignment of DTV Channel 15 to KTBO-TV. Trinity did not oppose this allocation. In its submission, MSTV proposes to modify the FCC's table of DTV assignments in order to ameliorate interference caused by DTV-to-DTV first-adjacent-channel shortspacings in various parts of the United States. In doing so, MSTV proposes to change the DTV assignment of KSWO, Lawton, Oklahoma, from Channel 23 to Channel 14 to eliminate interference to a DTV allotment on Channel 22 in Wichita Falls, Texas. As a result of this change, interference within KTBO-TV's NTSC Channel 14 coverage area would increase dramatically from 3.7 percent to 12.6 percent. In addition, replication of coverage by KTBO-TV's DTV Channel 15 is only 70 percent of its NTSC coverage, presumably due to first-adjacent-channel interference from KOCO on DTV Channel 16, Oklahoma City.

Trinity opposes the change in the KSWO DTV allocation from Channel 23 to Channel 14, due to the increase in interference to NTSC KTBO-TV. In addition, Trinity requests that the DTV allocations in the Oklahoma City area be rearranged, so that KTBO-TV's DTV facility can achieve nearly complete replication of its NTSC facility.

Trinity supports the need to make revisions to the DTV table of assignments in order to cure DTV-to-DTV first-adjacent-channel interference. However, these adjustments cannot

be made at the expense of Trinity's viewers. Under the MSTV plan, as well as the FCC's proposed allotment scheme, Trinity would suffer a substantial increase in interference within its present service and would be unable to provide DTV service to a significant portion of its audience. Not only is such a scheme unacceptable to Trinity, but it is also not in the public interest.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read 'K. T. Fisher', with a stylized, sweeping flourish at the end.

KEVIN T. FISHER

December 15, 1997

ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of TRINITY BROADCASTING OF NEW YORK, INC. ("Trinity"), licensee of Television Station WTBY(TV), Channel 54, Poughkeepsie, New York, in support of its response to the *ex parte* submission filed by Maximum Service Television, Inc. ("MSTV"), regarding (DTV) table of assignments. *Original* and Order regarding DTV assignments (MM Docket No. ent of DTV Channel 27 to WTBY. Trinity did not oppose this allocation. MSTV proposes to modify the FCC's table of DTV assignments in order to ameliorate interference caused by DTV-to-DTV first-adjacent-channel shortspacings in various parts of the United States. In doing so, MSTV proposes to change WTBY's DTV assignment to Channel 12 as a result of a reshuffling of DTV channels in New York City. Trinity opposes this suggested change for a number of reasons.

First, Trinity's intention is to locate its DTV facility as far south, toward New York City, as possible to better serve its market, the New York City ADI. Because there are NTSC operations on Channels 11 and 13 (WNET and WPIX, respectively) in New York City, the use of Channel 12 by WTBY precludes its intended move. There is no such restriction on DTV Channel 27.

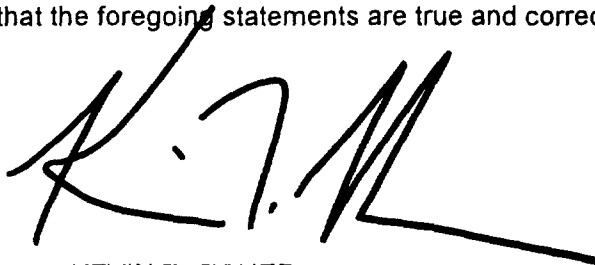
Second, it is likely that interference from WNET and WPIX would further restrict DTV coverage of WTBY to the south if it were to operate on Channel 12.

Third, MSTV's proposed rearrangement of allotments in the New York City area more than doubles the predicted interference area within WTBY's NTSC coverage from that which would obtain under the FCC's allotment scheme.

Trinity supports the need to make revisions in the DTV table of assignments in order to cure DTV-to-DTV first-adjacent-channel interference. However, Trinity requests that it be permitted to keep its Channel 27 DTV allocation and requests that the DTV allotments in the New York City area be arranged in a different manner so as not to jeopardize the use of this channel by WTBY.

In the alternative, Trinity requests that the FCC require the colocation of Trinity's DTV Channel 27 or 12 with any affected first-adjacent-channel station operating from the Empire State Building or World Trade Center in New York City. It is believed that such colocation will eliminate the interference between these two stations. Should it be necessary in order to provide adequate coverage to its city of license under this scenario, Trinity would propose to operate a DTV translator in Poughkeepsie.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read 'K.T. Fisher', with a long horizontal line extending from the end of the signature.

KEVIN T. FISHER

December 15, 1997

ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of TRINITY BROADCASTING OF INDIANA, INC. ("Trinity"), licensee of Television Station WKOI(TV), Channel 43, Richmond, Indiana, in support of its response to the *ex parte* submission of November 20, 1997, filed by Maximum Service Television, Inc. ("MSTV"), regarding the FCC's digital television (DTV) table of assignments.

The FCC, in its *Sixth Report and Order* regarding DTV assignments (MM Docket No. 87-268), proposed the assignment of DTV Channel 30 to WKOI. Trinity did not oppose this allocation. In its submission, MSTV proposes to modify the FCC's table of DTV assignments in order to ameliorate interference caused by DTV-to-DTV first-adjacent-channel shortspacings in various parts of the United States. In doing so, MSTV proposes to change WKOI's DTV assignment to Channel 62 to avoid interference to the digital operations of WXIX, Channel 29, Newport, Kentucky, and WKRC, Channel 31, Cincinnati, Ohio.

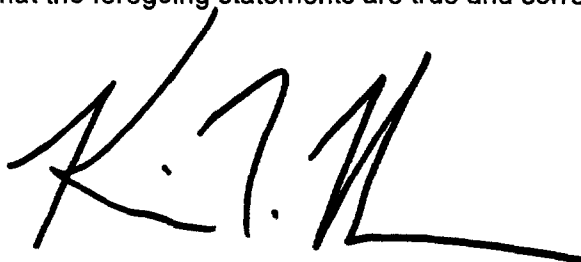
Trinity opposes this suggested change, since the new DTV channel proposed by MSTV is outside the core spectrum (Channels 7-51), whereas the FCC's proposed DTV channel is within the core spectrum. Implementation of MSTV's proposal would involve WKOI making a costly DTV channel change following the transition period.

Trinity supports the need to make revisions to the DTV table of assignments in order to cure DTV-to-DTV first-adjacent-channel interference. However, Trinity requests that it be allowed to keep its Channel 30 DTV allocation and requests that the DTV allotments of WXIX and WKRC be changed in order to cure this problem.

In the alternative, Trinity requests that the FCC require the colocation of Trinity's DTV Channel 30 to an area within 5 kilometers of the transmitter sites of WXIX and WKRC near

downtown Cincinnati. It is believed that such colocation will eliminate the interference between DTV WKOI and these two stations. Should it be necessary in order to provide adequate coverage to its city of license under this scenario, Trinity would propose to operate a DTV translator in Richmond, Indiana.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

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KEVIN T. FISHER

December 15, 1997

ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of TRINITY BROADCASTING NETWORK, INC. ("Trinity"), licensee of Television Station WHSG(TV), Channel 63, Monroe, Georgia, in support of its response to the *ex parte* submission of November 20, 1997, filed by Maximum Service Television, Inc. ("MSTV"), regarding the FCC's digital television (DTV) table of assignments.

The FCC, in its Sixth Report and Order regarding DTV assignments (MM Docket No. 87-268), proposed the assignment of DTV Channel 44 to WHSG. Trinity did not oppose this allocation. In its submission, MSTV proposes to modify the FCC's table of DTV assignments in order to ameliorate interference caused by DTV-to-DTV first-adjacent-channel shortspacings in various parts of the United States. In doing so, MSTV proposes to change WHSG's DTV assignment to Channel 60 to avoid interference to the operation of WUTV, DTV Channel 43, Atlanta.

Trinity opposes this suggested change, since the new DTV channel proposed by MSTV is outside the core spectrum (Channels 7-51), whereas the FCC's proposed DTV channel is within the core spectrum. Since WHSG's present NTSC channel is also outside the core spectrum, implementation of MSTV's proposal would involve WHSG's making a costly DTV channel change following the transition period.

Trinity supports the need to make revisions to the DTV table of assignments in order to cure DTV-to-DTV first-adjacent channel interference. However, Trinity requests that it be allowed to keep its Channel 44 DTV allocation and requests that the DTV allotment of WUTV be changed in order to cure this problem.

In the alternative, Trinity requests that the FCC require the colocation of Trinity's DTV Channel 44 to an area within 5 kilometers of the transmitter site of WUTV's DTV Channel 43

facility near downtown Atlanta. It is believed that such colocation will eliminate the interference between these two stations. Should it be necessary in order to provide adequate coverage to its city of license under this scenario, Trinity would propose to operate a DTV translator in Monroe.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

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KEVIN T. FISHER

December 15, 1997